

DEPARTMENT OF THE INTERIOR
COOPERATIVE CONSERVATION LISTENING SESSION
SEPTEMBER 5, 2006
OMNI MARINA HOTEL
CORPUS CHRISTI, TEXAS

PANEL MEMBERS:

DR. DAVID SAMPSON, Department of Commerce
DR. JOY NICOLOPOLUS, U.S. Fish & Wildlife Service
DR. DEBORAH EPPERSON, Minerals Management Services
DR. LEE FUIMAN, University of Texas
MS. MONICA LINNENBRINK, Moderator

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1 MS. LINNENBRINK: I think we have
2 everybody seated. Good afternoon. And welcome to the
3 11th of 24 cooperative conservation listening sessions.
4 My name is Monica Linnenbrink, and I'll be moderating
01:05 5 the session today. I'd like to open the session by
6 inviting Ms. Pamela Canales up to the microphone here.
7 She is going to open the session by singing the National
8 Anthem, so if you would all please stand.
9 (The National Anthem is sung.)
01:07 10 MS. LINNENBRINK: Thank you, Ms. Canales,
11 that was beautiful. If everybody would please check
12 their cell phones and make sure they're either in the
13 silent mode or the off mode, that would be great.
14 I'd like to first start by introducing our
01:08 15 panel members that are here today to listen to your
16 public comments. Our first panel member is Dr. David
17 Sampson. He is the deputy secretary from the Department
18 of Commerce. Sitting next to Dr. Sampson, we do have
19 Dr. Joy Nicolopolus. She is the Texas state
01:08 20 administrator from the U.S. Fish & Wildlife Service.
21 Then our third panel member is Dr. Deborah Epperson.
22 She is the studies plan coordination unit supervise from
23 the Gulf of Mexico Region, and she is with the Minerals
24 Management Services. Then finally we have Dr. Lee
01:08 25 Fuiman from the University of Texas. He is the director

1 of the Marine Science Institute and he's also the
2 manager of the Mission Aransas National Estuary and
3 Research Reserve Program.

4 Also up in front of the room we have two
01:09 5 sign interpreters. They'll be exchanging throughout the
6 afternoon. We have Lesa and Nancy. And we also have a
7 court reporter, Sylvia, who will be capturing all of the
8 proceedings.

9 Now I'd like to give a quick review of our
01:09 10 agenda today, followed by the process that we will be
11 following. First I'm going to ask the panel members to
12 come up and provide some brief opening remarks.
13 Following the opening remarks, we will have a
14 presentation from Dr. Fuiman. After Dr. Fuiman's
01:09 15 presentation, we will be opening up the comments part of
16 today's session.

17 The process that we will be following
18 today is designed so that we can hear from as many
19 people as possible while giving equal opportunity to
01:09 20 everyone in the room. When you walked in the room
21 today, you all should have received a numbered index
22 card that looks like this. When we start the public
23 listening part of the session, I will be calling you up
24 in the order of the number on your card, starting with
01:10 25 No. 1. I'll ask you to please come up to the

1 microphone, provide your name and also spell it for our
2 court reporter over here. Identify the city and state
3 where you're from and also identify if there's an
4 organization that you're here representing today.

01:10 5 You'll have between two and three minutes
6 to provide public comment. At two minutes, I will waive
7 the card like this so you can see it. I'll give you an
8 additional 30 to 45 seconds to finish up; and at that
9 point, I will then cut you off. I do apologize in
01:10 10 advance for having to cut you off.

11 My responsibility today is twofold. I'm
12 here obviously to make sure that we keep things moving
13 along, so I will be keeping track of time up here to
14 make sure that everybody gets equal opportunity to be
01:11 15 heard. My second responsibility is to make sure that
16 everybody remains on topic and remains civil. So I'll
17 ask you to look on your card, on one side of your card
18 there are five cooperative conservation questions.
19 Please be sure that the comments that you provide relate
01:11 20 to one of these questions. The questions are pretty
21 broad, so I think any comments that you have, as long as
22 they're related to conservation, should fit under at
23 least one of those questions.

24 Now it is my pleasure to invite
01:11 25 Dr. Sampson up to the podium to provide some opening

1 remarks.

2 DR. SAMPSON: Thank you very much. And
3 welcome everyone. Thank you for coming out on this
4 first day back to work after the Labor Day holiday. On
01:12 5 behalf of President Bush, I am honored to be here. Let
6 me begin by saying that I am a fellow Texan from the
7 Fort Worth-Arlington area. And I'm just completing a
8 couple of week vacation at my ranch in Gainesville,
9 Texas, kind of at the end of the state up on the Red
01:12 10 River. And so it's always good to be back in Texas.

11 And I approach my duties and
12 responsibilities, you should know, as someone who loves
13 the outdoors, who loves nature, but also someone who's a
14 private property owner and wants to do everything that
01:12 15 we can to advance what I think is a truly noble goal,
16 which is environmental stewardship in a cooperative
17 fashion. You know, protecting the environment and
18 managing our natural resources responsibly are major
19 priorities for this administration. And in a state like
01:13 20 Texas with our hundreds of miles of ocean coastline,
21 this is vitally important for the people who live and
22 work here. And so I look forward to a very stimulating
23 and productive session today. I'm anxious to hear your
24 perspective on what we can do to make our
01:13 25 responsibilities at the Department of Commerce as it

1 relates to environmental stewardship work better for
2 everyone that's involved. I believe that it's very
3 important, if you're going to make good policy, not to
4 do that just within the confines of the Washington
01:13 5 beltway, but to actually listen to the people who are
6 affected by and who have a vested interest in how these
7 programs actually work on the ground.

8 As I see it, cooperative conservation is
9 more than just a catch phrase. It tells a story, and I
01:13 10 think a very good story, of how we approach conservation
11 today. By cooperating at all levels and working
12 alongside non-governmental agencies and other private
13 entities, federal, state and local governments are
14 improving the environment and our quality -- our ability
01:14 15 to manage our natural resources. The National Oceanic
16 and Atmospheric Administration, or NOAA, which is a very
17 important part of the Department of Commerce, has a long
18 and successful history of cooperative conservation.
19 From improving habitat and rebuilding fishery stocks to
01:14 20 mitigating the effects of drought and damage from
21 natural disasters, NOAA has always relied on
22 partnerships to help achieve its mission.

23 Most recently, NOAA provided \$128 million
24 in grants to the five Gulf Coast states to help restore
01:14 25 marine resources that were damaged by Hurricane Katrina.

1 In addition, the Gulf of Mexico Alliance and created in
2 2004 should significantly increase long-term regional
3 collaboration to enhance the environmental and economic
4 health of the gulf.

01:15 5 Another great example is NOAA's National
6 Estuarine Research Reserve System. The reserve system
7 was created by the 1972 Coastal Zone Management Act as a
8 partnership between the federal government and the
9 coastal states. And each reserve receives matching
01:15 10 federal grants, but is managing locally by state
11 agencies or universities. Most of the reserves form
12 partnerships with other entities, including county and
13 municipal governments, non-governmental organizations
14 and civic groups and private landowners. And each
01:15 15 reserve is a living laboratory where scientists study
16 the biological and hydrological systems of these vital
17 coastal resources. Their observations and findings are
18 the basis for educational programs, stewardship
19 activities and keeping decision-makers informed and
01:16 20 making sure that policy decisions are based on the very
21 best science that we have available.

22 It has resulted in the national system
23 with federal finance assistance for a program
24 administered by the states to assist the states in
01:16 25 managing their coastal resources.

1 Just north of here, you have the newest of
2 our nation's 27 reserves, the Mission Aransas Reserve in
3 Port Aransas. I think it's a real model for how the
4 program works. It's managed by the University of Texas
01:16 5 Marine Science Institute in Port Aransas in cooperation
6 with the Texas General Land Office, U.S. Fish & Wildlife
7 Service, the Texas Parks & Wildlife Department, Coastal
8 Bend Land Trust and the private Fennessey Ranch, which
9 is a working cattle ranch. This collaboration between
01:16 10 government entities, non-government organizations and
11 private sector groups is what cooperative conservation
12 is all about.

13 All of them, the stakeholders are property
14 owners within the Mission Aransas Reserve, as well as
01:17 15 local municipalities and non-governmental organizations.
16 And so this reserve can count seven major partners in
17 its efforts from the federal government to the private
18 landowner. These and other NOAA programs can benefit
19 enormously, I think, from your input that we're gaining
01:17 20 here today.

21 One issue I want us, and I hope that will
22 come up during the course of today's session, is how we
23 can bring more private sector landowners into the
24 process. Private landowners are a valuable asset in
01:17 25 efforts to protect species, coastlines and marine

1 resources. Coming from a ranching family, I believe
2 that those who make their living off the land are some
3 of the greatest conservations who are out there. And I
4 hope we can gain more understanding from the private
01:18 5 sector about how this program can work even better.

6 To get the private sector more actively
7 involved, we must work together to find ways to ensure
8 that permits are issued in a timely manner and are not
9 overly burdensome. The same can be said for no surprise
01:18 10 assurances from the federal government; that it won't go
11 back on agreements once they are reached, except in
12 extraordinary circumstances.

13 The Department of Commerce and NOAA are
14 proud of our work here in Corpus Christi and across the
01:18 15 great State of Texas. But like any organization, I,
16 better than most people, as the chief operating officer
17 for the department, know that there are always areas for
18 improvement in the way that we handle our
19 responsibilities and fulfill our mission. And through
01:18 20 this ongoing cooperative effort, I'm confident that
21 we'll gain insight from you as to how we can make our
22 services better and find more ways to help accomplish
23 our mission while at the same time relying on the people
24 at the local level who know best the local resources and
01:19 25 have the insight to really bring cooperation and

1 entrepreneurship to this great activity of environmental
2 stewardship.

3 So thank you very much for being here, and
4 I look forward to receiving your comments today.

01:19 5 MS. LINNENBRINK: Thank you, Dr. Sampson.
6 Now I'd like to invite Dr. Joy Nicolopolus from the U.S.
7 Fish & Wildlife Service up to the podium to provide her
8 opening remarks. Again, she is the Texas state
9 administrator for the U.S. Fish & Wildlife Service.

01:19 10 MS. NICOLOPOLUS: Thank you. And good
11 afternoon everybody. Thank you very much for being here
12 today. We appreciate your time and you taking time out
13 of your busy schedules to provide your comments.

14 Texas is blessed with some of the most
01:19 15 unique and interesting species and habitats in the
16 nation. The incredible diversity of fish, wildlife,
17 plants, lands, waters and people is something that I
18 appreciate daily. I know our wild, natural resources
19 enrich our lives and contribute to the economic
01:20 20 well-being of our communities through recreation,
21 tourism and other means. The key is to strike a balance
22 between protecting and managing the unique resources of
23 Texas and minimizing any negative social and economic
24 consequences that may occur as a result of actions to
01:20 25 conserve these natural treasures. That balance can best

1 be found when we listen to everyone who has a stake in
2 the decisions we make.

3 The Fish & Wildlife Service needs to hear
4 from you. The Fish & Wildlife Service needs to hear
01:20 5 from you to make informed decisions and determine the
6 best way to move forward to conserve the resources that
7 we all share and enjoy. Listening and working with the
8 public is emblematic of the Service's mission. The
9 mission is working with others to conserve, protect and
01:21 10 enhance fish, wildlife and plants and their habitats for
11 the continuing benefit of the American people. We call
12 our efforts to work together with the public cooperative
13 conservation.

14 For example, the Navy's South Texas
01:21 15 Natural Resources Partnering Team includes three Navy
16 installations, the U.S. Fish & Wildlife Service and
17 Texas Parks & Wildlife Department focused on cooperative
18 conservation efforts for the military lands and coastal
19 waters in the Corpus Christi area. The South Texas
01:21 20 Natural Resources Partnering Team participated in the
21 White House conference on cooperative conservation last
22 year. This successful Navy, Fish & Wildlife Service and
23 State team is used as a national role model by the Navy.

24 As evidenced here today, cooperative
01:21 25 conservation is not just a top priority for the Fish &

1 Wildlife Service, but also for our partners, our other
2 federal agencies and for all of you here today. I look
3 forward to hearing from you and to hearing your comments
4 and to find out how we can best improve conservation
01:22 5 efforts throughout Texas.

6 Once again, thank you very much for your
7 time and effort, and we appreciate you being here today.

8 MS. LINNENBRINK: Thank you,
9 Dr. Nicolopolus. The third panel member I'd like to
01:22 10 invite up to the podium is Dr. Deborah Epperson. She is
11 representing the Mineral Management Services Agency.

12 DR. EPPERSON: Good afternoon. I guess
13 I'm the lone outsider on the panel. I came to you from
14 New Orleans this morning, from Louisiana. I'm going to
01:22 15 talk with you a little bit about cooperative
16 conservation in the sense that I'm a scientists with
17 MMS. And as we all know, budgets are shrinking, reduced
18 resources. We're all trying to do more with less. So
19 the time for cooperative conservation has certainly
01:22 20 come.

21 I'm just going to briefly mention what I
22 consider to be a success story in terms of our
23 cooperative conservation efforts at MMS. The sperm
24 whale seismic study has been ongoing since the year
01:23 25 2000. It's a study that we're completing the need for

1 science as you mentioned. We need to make sound policy
2 decisions by using good science. And as we all know, a
3 lot of times the answers are not out there, so we have
4 to do some more research. Those are the kinds of things
01:23 5 that I'm involved with at MMS. Working through a
6 cooperative agreement with Texas A&M University,
7 including researchers from Oregon State University,
8 Scripps, Withol Institute. We're looking at sperm whale
9 activities, biology, behaviors, as well as the potential
01:23 10 impacts of oil and gas activities in the Gulf of Mexico.
11 This is a huge project. It's the kind of project that
12 we need to really work together on because no one agency
13 can either fund or complete those kinds of activities.
14 So the time for cooperative conservation
01:23 15 has really come. We all need to pull resources, work
16 together to meet common goals and hopefully do a better
17 job in the future. I appreciate you coming, and I look
18 forward to hearing your comments.

19 MS. LINNENBRINK: Thank you, Dr. Epperson.
01:24 20 And finally, our last speaker of the day is Dr. Lee
21 Fuiman. He is coming to us locally from Corpus Christi.
22 He's going to talk a little bit about the Mission
23 Aransas National Estuary and Research Program. We think
24 this program truly embodies the spirit of cooperative
01:24 25 conservation, and we thought it would be a great way to

1 start off this session. Dr. Fuiman.

2 DR. FUIMAN: Thank you very much. Good
3 afternoon everyone, and welcome. As a university
4 professor, I know the phenomenon quite well, that when
01:24 5 you set a room of seats out, nobody sits in the front
6 row, and I didn't realize that when you only have four
7 rows, that people just spread out to the sides. At any
8 rate, it's good to have you-all here.

9 I'm here to tell you a little bit about
01:25 10 the Mission Aransas National Estuary Reserve. We're
11 delighted to announce that the Reserve was designated
12 formally in May of this year, and so this event here
13 becomes one of our first public events since designation
14 of the ceremony. The Reserve is a special example of
01:25 15 cooperative conservation. It's a partnership between
16 federal, state and local and municipal entities, and we
17 think that it serves as a prime example, and I'm so
18 delighted to hear that Deputy Sampson recognizes that as
19 well as all the other panelists.

01:25 20 Let me tell you a little bit about the
21 Reserve. The Reserve is 185,000 acres of property north
22 of here, not very far north of here, but extending all
23 the way up to the Mission Aransas -- I'm sorry, the
24 Aransas National Wildlife Refuge and includes portions
01:26 25 of the Refuge. It's really obviously a very large

1 place, but also represents a lot of diverse habitats.
2 Obviously there's a lot of marine habitat in that much
3 of the reserve is submerged lands as the Texas General
4 Land Office refers to our bays, but also coastlines as
01:26 5 well.

6 In addition to that, there's another very
7 special place, and one that really highlights the
8 cooperative conservation efforts of our Reserve, and
9 that is the Fennessey Ranch. In May of this -- sorry,
01:26 10 about a month ago this year, we completed a conservation
11 easement that brings the Fennessey Ranch into the
12 Mission Aransas National Estuary and Research Reserve.
13 That ranch is about 3,250 acres of property that is
14 currently a working cattle ranch, but also an
01:27 15 eco-tourism operation. The owner and manager of the
16 ranch -- the owner of the ranch, Bryan O'Connor Dunn and
17 the manager, Sally Crowfoot, have worked with us since
18 the inception of the Reserve to try to keep the ranch
19 together and acknowledge the importance in value of
01:27 20 eco-tourism to private landowners here in Texas. It's a
21 great way to keep the land together and to keep it
22 operating in the faces of challenges to ranching in
23 modern times.

24 In this case, the Fennessey Ranch is a
01:27 25 great place. It has public habitats, including fresh

1 waters that supply the Mission Aransas Estuary. And, in
2 fact, the Mission Aransas Estuary is one of the few
3 estuaries on the coast of Texas that still has
4 sufficient freshwater inflow to maintain the healthy
01:27 5 estuaries. And in our case, that freshwater inflow
6 comes primarily through the Mission River, which is on
7 the Fennessey Ranch.

8 So by including the Fennessey Ranch in the
9 Mission Aransas National Estuary and Research Reserve --
01:28 10 which every once in a while I'll refer to it as MANERR.
11 By including it in our site, we are able to protect this
12 freshwater supply that is so important to the estuary
13 and maintain the estuary's health. As Deputy Sampson
14 mentioned, the Mission Aransas National Estuary and
01:28 15 Research Reserve is a partnership among a great number
16 of federal, state, municipal and private partners, and
17 it's really wonderful to have all of them working
18 together. That's what embodies the cooperative
19 conservation that we're all here to talk about today.

01:28 20 Partnerships such as these with the
21 Fennessey Ranch and others that we hope to explore in
22 the near future will help us achieve what we want to
23 with the Mission Aransas National Estuary and Research
24 Reserve, and that is combining scientific research that
01:29 25 we at the University of Texas are able to accomplish

1 with management so that we can take the science,
2 together with the interests of landowners and commercial
3 interests to probably -- properly manage and conserve
4 the environment.

01:29 5 The three main missions of the National
6 Estuary and Research Reserve overlap completely with the
7 main interest missions of the University of Texas Marine
8 Science Institute; those mission being research,
9 education and stewardship. As you-all are quite aware,
01:29 10 the Marine Science Institute is a research institute and
11 founded as that, and we bring to bear the resources of
12 the University to this partnership.

13 In addition, education is obviously a very
14 important part of a university, and in particular, the
01:29 15 Marine Science Institute. And that education comes in
16 the form of educating undergraduate and graduate
17 students in college, but also public education. We have
18 a really terrific marine education service program which
19 has been going for 20 years now educating public
01:30 20 individuals and groups on marine related issues. And
21 this will match perfectly with the MANERR program.

22 And finally stewardship, this is where we
23 can bring our science, our education together to help
24 managers and policymakers make better decisions to help
01:30 25 our environment. So I want to thank you for coming

1 today, and I look forward to hearing your comments.

2 MS. LINNENBRINK: Thank you, Dr. Fuiman.

3 Before we get into the listening session of this
4 session, I would like to briefly review the process that
01:30 5 we're going to use today for public comment. I know a
6 few people trickled in, so I'm going to review that one
7 last time.

8 As you-all walked in, you should have
9 received an index card, a cream colored index card. I'm
01:31 10 going to call you up in the order of the number that is
11 listed on the card starting with No. 1. I'm going to
12 ask you to please come up to the microphone here,
13 provide your name. Please spell it for Sylvia, our
14 court reporter, identify the city and state where you're
01:31 15 from, and also identify if you're representing an
16 organization here today.

17 When you come to the microphone, I'm going
18 to give you between two to three minutes to provide
19 public comment. I will waive this green index card up
01:31 20 here when we get to two minutes. After you see this
21 index card, you'll have about 30 seconds to wrap up your
22 comments. If you're comments are completed by then, I
23 will cut you off, and I do apologize. Because there's
24 not hundreds of people today, I will be a little bit
01:31 25 more lenient for the time given, but I do apologize up

1 ahead if I do cut you off.

2 On your card here today -- in addition to
3 oral comments, we are receiving written comments via
4 mail, e-mail and fax. On this card, there's
01:32 5 instructions on how to submit written comments. So if
6 you prefer to provide written comments, you can do that
7 as well. And then also, please stay on topic. There's
8 five cooperative conservation questions on the back of
9 this card. Please keep your comments to those
01:32 10 questions.

11 Given the setup of today's session, we
12 will not be providing an interchange up here, so you
13 will not be able to ask the panel members questions and
14 receive feedback from them. They will be available
01:32 15 after the session to provide answers to your questions.
16 We have the panel members here today and we also have a
17 few technical experts out in the audience, and I'm going
18 to ask them at this time as I call their name to please
19 stand up.

01:32 20 Our first technical representative is
21 Dr. Lori McGillray from the National Oceanic Atmospheric
22 Administration. She can provide answers to your
23 questions. I think we also have some Texas Parks &
24 Wildlife Department regional directors. I think there's
01:33 25 two here today. Please stand up. I'm sure they'll be

1 happy to answer your questions on their programs as
2 well. And then we also have Robin Cobb and her staff.
3 She is with the U.S. Fish & Wildlife Service, and they
4 do represent the Corpus Christi Ecological Services
01:33 5 office here from the U.S. Fish & Wildlife Service.

6 Thank you for all for coming. And they will be
7 listening to your comments and incorporating them into
8 the programs that they have here at the state level.

9 Now what we've all come here to do, which
01:33 10 is to listen to your comments. How we're going to work
11 this is I'm going to ask card No. 1 to please come up to
12 the microphone. And if you have card No. 2 through 5,
13 if you'd come up here in the seats right here and just
14 sit and wait, I'll call you up directly after card No.
01:34 15 1. I just want to make sure that we get as many people
16 through as possible today.

17 MS. DAVIS: Hello, my name is Jan Davis,
18 J-A-N, D-A-V-I-S, from College Station, Texas, and I'm
19 here on behalf of the Texas Forest Service, Society of
01:34 20 American Foresters and the National Association of State
21 Foresters who all endorse cooperative conservation and
22 are active participants in multiple partnerships.

23 States benefit from partnerships on many
24 federally funded programs. For example, Texas Forest
01:34 25 Service collaborates with other federal and local fire

1 suppression agencies and leads public, private efforts
2 to develop community wildfire protection plans. Current
3 issues facing U.S. forests that highlight the need for
4 policies and encourage a sustainable force in management
01:35 5 include rapid fragmentation losses to development,
6 competing real estate values, widespread sale of
7 industrial forest lands and shifting of the forest
8 products industry overseas and the consequential
9 economic instability of rural communities.

01:35 10 The continued disinvestment and the
11 sustainable management of forest lands, public and
12 private, that has often led to insect and disease
13 outbreaks and also large wildfires. The federal
14 agencies have asked how can the federal government work
01:35 15 cooperatively with businesses and landowners to protect
16 the environment and promote conservation? As
17 sustainable forest resources require, landscape level
18 cooperation and commitment from all entities.

19 The federal government should adopt
01:35 20 policies that, one, encourage the business community to
21 recognize the court and invest in the production of
22 public benefits like clean water, clean air and wildlife
23 habitats that currently forest landowners are providing
24 free of charge. Two, utilize incentive based
01:36 25 motivation. Three, help ensure the business community

1 and landowners have access to the latest science and
2 technical information. Four, provide a mechanism to
3 coordinate among the private interest and government
4 entities on conservation of forests. And finally,
01:36 5 continue current federal cooperative conservation
6 program in the upcoming farm bill that will support
7 adequate funding for cost shared programs providing
8 financial assistance for cooperative forestry efforts.
9 We look forward to continuing and growing cooperative --
01:36 10 cooperation among state and federal conservation
11 agencies in Texas. Thank you for this opportunity to
12 give comment.

13 MS. LINNENBRINK: Thank you. Card No. 2,
14 please. Card No. 3.

01:36 15 MR. COODY: Hello, my name is Jim Coody,
16 J-I-M, C-O-O-D-Y. I'm from Houston, Texas. I'm an
17 engineer. And I'm representing the Greater Houston
18 Builders Association.

19 Since the advent of the Clean Water Act
01:37 20 almost 40 years ago, there has been a long-term trend of
21 improving water quality in the rivers, streams and
22 bayous of Texas and throughout America. During this
23 time, the legal responsibility for protecting water
24 quality has slowly shifted from the Federal
01:37 25 Environmental Protection Agency to the State of Texas.

1 The Greater Houston Builder Association supports this
2 shift because Texas should have the primary role in
3 protecting and regulating its air, water and lands.

4 Our primary concern lies with the
01:37 5 continued role of EPA in regulating both water and air
6 in Texas. Since EPA delegated water regulation to Texas
7 in or around 1984, we have witnessed an increase in EPA
8 mandated environmental regulations. It appears that
9 delegation has not had the effect of transferring this
01:38 10 responsibility from the federal government to the state
11 government, but instead, there are now two big
12 government agencies performing essentially the same job.

13 In the place of delegation, it appears
14 that EPA has assumed a loftier role of regulating the
01:38 15 Texas Commission on Environmental Quality. The
16 regulated community in Texas must now comply with the
17 rules of both agencies. And in reality, it's the same
18 as if delegation never occurred.

19 The priorities of TCEQ seem oriented
01:38 20 towards achieving rigorous compliance with EPA mandated
21 programs such as the state implementation plan for air
22 quality standards and the total maximum daily load
23 program for water quality standards.

24 Our concern is that EPA and maybe TCEQ has
01:39 25 lost sight of the fact that the primary purpose of our

1 environmental laws is to protect public health. It
2 seems that our environmental laws have evolved into an
3 endless chain of new rules and regulations that address
4 an ever growing array of issues that have only a weak
01:39 5 and tenuous connection to public health. We support
6 environmental regulation that protects public health,
7 but we believe that some of EPA's regulatory mandates go
8 far beyond this fundamental objective.

9 For example, as a result of an EPA
01:39 10 regulatory mandate, the City of Houston and Harris
11 County may be required to treat and take -- undertake
12 other measures as necessary to upgrade the water quality
13 in Buffalo Bayou so that it may be used for primary
14 contact recreation such as swimming. We object to this
01:39 15 program because the existing use of Buffalo Bayou is not
16 contact recreation. The present water quality is fine
17 for aquatic habitat. There is no public demand in
18 Houston for swimming in Buffalo Bayou. Our state
19 environmental laws and water quality standards should
01:40 20 not be used to create public recreation amenities and
21 local water bodies like Buffalo Bayou.

22 We respectfully request that EPA withdraw
23 and rescind its unnecessary and unreasonable mandates
24 for swimming amenities in state waters.

01:40 25 MS. LINNENBRINK: Thank you, sir. I'm

1 sorry. I apologize. Okay. Card No. 4.

2 MR. BOWLING: My name is Bobby Bowling,
3 B-O-W-L-I-N-G, and I am a home builder and developer
4 from El Paso, Texas. I am also the national vice
01:40 5 president for the Texas region of the National
6 Association of Home Builders. I, too, would like to
7 comment about the EPA, specifically with regard to its
8 enforcement of the Clean Water Act, even more
9 specifically, its implementation in the National
01:41 10 Pollution Discharge Emission System permit.

11 I agree with and applaud the comments of
12 Dr. Sampson and Dr. Nicolopolus with regard to trying to
13 work and balance between commerce, business people like
14 myself, and the environment, which those of us who live
01:41 15 in our communities care very much about also. However,
16 I think there's some inequity with regard to the
17 enforcement of those setbacks, especially with regard to
18 this region of the country which is Region 6, the EPA
19 region. We've done some investigation and we've
01:41 20 determined and found that over 50 percent of the
21 violations last year with regard to the NPDES permits
22 were here in Region 6 in this part of the country.

23 This is coupled with the fact that we do
24 about 14 percent of the nation's housing starts here in
01:41 25 Texas, less than 20 percent for the whole region, yet we

1 got 50 percent of the fines. This is especially
2 startling when you recognize that my part of the state
3 in West Texas and parts of New Mexico, it's some of the
4 most arid and dry desert portions of this country that
01:42 5 we live in.

6 A few years ago our company was fined for
7 a paperwork violation of the Clean Water Act by the EPA.
8 We finally settled for three paperwork violations in the
9 amount of \$5,500. It's important to note here that none
01:42 10 of my violations involved any pollutant discharge or
11 harm to the environment whatsoever. EPA acknowledges
12 this fact in their offer of settlement letter to our
13 company. Specifically I was cited for not having the
14 proper drawing of a house on my storm water pollution
01:42 15 prevention plan, which I did file in a timely manner and
16 had it dated.

17 The purpose and the intent of the Clean
18 Water Act is stated very clearly within the body of the
19 law. It is to protect the navigable waterways of the
01:42 20 United States. The problem is that the EPA has gone too
21 far and beyond the intent of the Act with their
22 requirements for storm water discharge permits and
23 requirements where no navigable waterways are affected
24 or may not even exist.

01:43 25 Currently under EPA's interpretation of

1 the Clean Water Act, there's a federal one-size-fits-all
2 program that makes no differentiation whatsoever for
3 cities like El Paso with annual average rainfall of less
4 than 10 inches a year and cities in Hawaii with over 200
01:43 5 inches per year. No navigable waterways exists in El
6 Paso except for the Rio Grande. I agree that any
7 subdivision or house that is emptying storm water into
8 the Rio Grande should be required to follow the same
9 procedures as any other locale in the riverbanks of the
01:43 10 United States with navigable waterways. However, there
11 are areas in El Paso bounded by mountains without any
12 possible way for storm water to get to the Rio Grande.

13 Why is it that a construction of a
14 subdivision or a house be scientifically proven not to
01:43 15 have one drop of storm water enter a navigable waterway
16 must follow the same burdensome and costly regulation as
17 a house under construction on the bank of a river.
18 Almost always in El Paso, subdivisions are built with
19 retention ponds at the bottom of the subdivision which
01:44 20 catches 100 percent of the storm water in a retention
21 pond. In other words, only if the laws of physics are
22 broken can storm water from most subdivisions in El Paso
23 get out of the retention pond.

24 I have some other comments that I'd like
01:44 25 to submit written with regard to my specific incident,

1 but I would like to close by saying that we would like
2 to partner and cooperatively conserve with regard to
3 this particular permit with the EPA and the federal
4 government. We have a targeted inspection policy that
01:44 5 we think makes a lot of sense that we submitted from the
6 National Association of Home Builders and we implore
7 you-all to take a look at that. Thank you very much.

8 MS. LINNENBRINK: Thank you, sir. Before
9 I get to card No. 5, I'd also like to recognize Tom from
01:44 10 the National Marine Fishery Service. He can answer any
11 of your questions related to marine fisheries. I do
12 apologize, I forgot him at the beginning. Thank you for
13 joining us, Tom. And I'd like to ask now card No. 5 to
14 please come to the microphone.

01:45 15 MR. BROWN: Thank you very much. Kirby
16 Brown, K-I-R-B-Y, B-R-O-W-N. I am the executive vice
17 president of the Texas Wildlife Association in San
18 Antonio, Texas. The Texas Wildlife Association hosts
19 landowners, land managers, wildlife biologists, hunters
01:45 20 and conservations who own or control over 35 million
21 acres of private land in Texas. We are for private
22 property rights as well as pragmatic conservation of
23 wildlife and habitat.

24 It was in 1993 TWA leadership helped
01:45 25 organize a march on the capitol in Austin to oppose

1 heavy handed regulations under the Endangered Species
2 Act while recommending cooperative processes and
3 pragmatic conservation approaches using a variety of
4 incentives. And providing incentives to landowners,
01:45 5 land managers is the best way to manage private land.
6 And we appreciate being heard through the years past and
7 congratulate President Bush and the administration for
8 listening and moving aggressively to change the
9 philosophy of government in cooperative conservation.

01:46 10 We work cooperatively in a lot of areas
11 with the government, and at times we have to push hard
12 to get there, but we're glad to do it, and at Fort Hood,
13 Leon River Restoration Project, in the Pecos River, now
14 the Trinity River which will be announced today by
01:46 15 Governor Perry and on the coastal prairie. So we have a
16 lot of projects that we participate on.

17 When we look at incentives, there is a
18 need to greatly expand volunteer conservation programs,
19 strengthening funding to wildlife programs. We have a
01:46 20 pittance of funding through the U.S. Fish & Wildlife
21 Service and Department of Interior compared to other
22 agencies. Some of these are overly regimented programs
23 in some respects, and we need to address that also. We
24 need to make more funding available for wildlife through
01:47 25 the farm bill, including expanding of WHIP as well as

1 more equipped, dedicated funds for wildlife and expanded
2 funding for farm and ranch land conservation programs.
3 We need to keep our farms and ranches and private force
4 intact. And this is a good way to do it. And enhance
01:47 5 contract as far as their actual written contracts for
6 these programs, meaning the contracts put up stumbling
7 blocks for folks to get into anything perpetual or on a
8 time easement. And expand technical guidance.

9 The old NRCS staff is depleted or
01:47 10 redirected. They're no longer in the technical guidance
11 we need to see on the ground. That's a great incentive
12 for landowners and builds trust and respect. On
13 enhancement partnerships with states, we ask the federal
14 government to consider block funding for the states to
01:47 15 enhance wildlife and habitat for non-game, declining and
16 endangered species. We have a huge highly successful
17 program in federal aid. Pitman Robinson and Dinkyl
18 Johnson, those programs on the game species side, very
19 successful. And that same type of block funding aspect
01:48 20 could be used on the non-game and declining species side
21 to enhance wildlife. It's a great model, and I hope
22 you'll look at.

23 Finally, we ask you to respect landowners
24 by providing flexibility in programs. Each individual
01:48 25 landowners' operation is different. They're different

1 habitats, they're difficult economics, they're different
2 places, even when they're side-by-side. One size does
3 not fit all. We have to maximize flexibility, and you
4 will maximize results in wildlife and habitat. And
01:48 5 working cooperative, pragmatically and productively with
6 private landowners in Texas where 95 percent is private
7 land generates respect and mutual trust, and we
8 appreciate that. And we thank you, we look forward to
9 continuing to build on the process of cooperative
01:48 10 conservation. And congratulations to this group for
11 heading that way. Thank you.

12 MS. LINNENBRINK: Thank you, sir. I would
13 like to call up No. 6 at this time. I'd like to point
14 out that we can use both microphone so it's easier. It
01:49 15 seems like there's more people over here, so if it's
16 easier for you to come up to that microphone, you can
17 use that one, too.

18 MS. BUFORD: Hi, my name is Tina Buford,
19 T-I-N-A, B-U-F-O-R-D. My family ranches in Willacy,
01:49 20 Kenedy and Terrell County. I also represent the Texas
21 Wildlife Association. I am currently their treasurer.

22 While I'd like to say ditto to everything
23 that Kirby said, I strongly believe everything that he
24 said, and very well said. This is a little bit more
01:49 25 specific. It is my understanding that there is a large

1 number of federal employees that are reaching the age of
2 retirement. And this is not necessarily a question
3 being posed to be answered right now, but what is being
4 done to ensure that this soon to be large influx of new
01:49 5 and young employees have the on-the-land knowledge that
6 cannot be learned from textbooks and how to work
7 effectively with landowners.

8 We all understand that landowners can be
9 difficult at times and also federal employees, and so
01:50 10 them working together is a very special relationship and
11 needs to be -- things need to be done to ensure that
12 they work together on the level to where things can
13 actually be done. And I think that those people that
14 have been working for a very long time and with all
01:50 15 those landowners, they know that there are ins and outs
16 and things that, you know, could be said and shouldn't
17 be said. And, you know, it's a very sensitive
18 relationship. And I think that maybe a mentoring
19 program with the younger individuals that will be coming
01:50 20 in would ensure that these programs would go forward in
21 the future.

22 MS. LINNENBRINK: Thank you, ma'am. Card
23 No. 7, please.

24 MR. NEWSTEAD: Hi, I'm David Newstead,
01:51 25 N-E-W-S-T-E-A-D. I'm the current president of Coastal

1 Bend Audubon Society. Welcome to South Texas. You're
2 currently in one of the most dynamic and important
3 ecological areas in the northern hemisphere. Speaking
4 only of the birds, this area provides the home of about
01:51 5 500 species of resident breeding and wintering birds.
6 And as we speak, we're in the midst of migration. It is
7 one of the greatest actual spectacles we know of.
8 Tens of millions of birds are funneling
9 through this area every year, and they depend on the
01:51 10 continuity and integrity of all the habitats along the
11 way. So what can cooperative conservation do for these
12 species? Well, landowners can set aside or try to
13 restore patches of habitat for breeding or provide food
14 during migration. These are great ideas, and I applaud
01:51 15 the efforts and their successes and they should be
16 incentivized further. But what happens when they're
17 arriving at their wintering sites and all their habitat
18 is gone? If one piece of their puzzle is missing, then
19 the entire picture is bleak for these birds.
01:51 20 By the early 1970s, the still endangered
21 brown pelican had be entirely expurgated in Louisiana
22 and most of Texas. Out the door here and across Corpus
23 Christi Bay lies the Island where the last few pelicans,
24 down to about five or so pairs, remain persevered. And
01:52 25 after many nesting attempts, finally began to increase

1 its population and would later spread throughout the
2 rest of the coast to the numbers we see today.

3 The main issue with pelicans was the same
4 issue that almost occurred with the falcon, our most
01:52 5 widely known national symbol, the bald eagle, close to
6 extinction. DDT was accumulating at eye level predators
7 and affecting their reproductive system to the point
8 where these birds are laying eggs without shells.
9 Recognizing this, what would have happened if we had
01:52 10 made the ban on the use of DDT voluntarily. Where would
11 we find ourselves without key environmental laws like
12 the Endangered Species Act, Migratory Bird Treaty Act,
13 the Clean Water Act or the EPA itself. These are
14 institutions which we can be proud of having constructed
01:52 15 because they show that as a nation, we care enough about
16 the natural world of where we're a part to make these
17 commitments.

18 We have to keep focused on the essence of
19 why these laws were enacted in the first place by
01:53 20 predecessors that had the humility and wisdom to set
21 aside self interests and partisan political pressures
22 for a commonly shared value. Cooperative conservation
23 programs can be very valuable tools for landowners and
24 for wildlife, but they are no surrogate for better
01:53 25 environmental laws. The immediate consequence of the

1 law of the comments is the tragedy of the comments.

2 There are workable solutions without trashing our

3 natural area. Thank you.

4 MS. LINNENBRINK: Thank you, sir. Before

01:53 5 I call No. 7 up to the microphone here, I would like to
6 point out that if you do not get the opportunity to make

7 all of your written comments, there is a comment box at

8 the front of the room -- or I'm sorry, when you first

9 entered in on the table on that sign-in table, there is

01:53 10 a comment box. You can put your written comments in

11 there. I did receive one individual's comments. I'll

12 go ahead and put those in. But just so you know, if you

13 have more, you can drop it in the box on your way out.

14 So at this time, please, card No. 7.

01:54 15 MR. NEWSTEAD: I was 7.

16 MS. LINNENBRINK: I'm sorry. Card No. 8.

17 MR. BLACKLOCK: Oh, that's me. Gene W.

18 Blacklock, B-L-A-C-K-L-O-C-K last name, first name is

19 Gene, G-E-N-E. I was born in Austin, Texas. That's a

01:54 20 disclaimer. Occasionally I can sound somewhat

21 political; it's not my fault. I currently reside in

22 Live Oak County. I have co-authored a book on birds,

23 Local Birds in Texas, a Field Guide. Today I'm here as

24 a private citizen speaking on behalf of the subjects in

01:54 25 the book. It is a fact that with increased population,

1 we're talking about people, there should be an increased
2 amount of responsibility in managing our natural
3 resources, most especially our natural environment.

4 It becomes increasingly a challenge to
01:55 5 manage it in the right direction with increasing numbers
6 of people to protect our natural heritage. One of the
7 most important ways that it's been accomplished -- and
8 I've been around a while -- is through the Endangered
9 Species Act. So with that being the case, David
01:55 10 Newstead's points are well taken, and I support them
11 completely. Kirby also presented some unique ideas, and
12 especially important ones when it comes to working with
13 landowners. I also support that.

14 I do have some problem, being a native
01:55 15 Texan and being here a while, with states having too
16 much control of anything. The only state that perhaps
17 would be a little bit different and I might have some
18 trust in managing the resources without the help of the
19 federal government, like I rather like what the federal
01:56 20 government does with the Clean Water Act, the air and
21 conservation and preservation objectives that we have
22 across the nation that they are in charge to care for
23 would be California. With that being the case, I do
24 support the two speakers that I mentioned, and I hope
01:56 25 you both work and vote in favor of our heritage of the

1 United States. Thank you.

2 MS. LINNENBRINK: Thank you, sir. Card

3 No. 9, please. Can I have card No. 10 through 15 come

4 up to the front chairs, card numbers 10 through 15. All

01:56 5 right. Card number 16. 17 through 20, card numbers 17

6 through 20. What number are you, sir?

7 MR. MONTAGNA: 18.

8 MS. LINNENBRINK: Is there anybody under

9 18 that would like to make a comment? You're on the

01:57 10 floor, sir.

11 MR. MONTAGNA: Thank you. My name is Paul

12 Montagna, M-O-N-T-A-G-N-A, resident of Port Aransas

13 Texas. I work at the University of Texas for 20 years.

14 I'm currently at A&M Corpus Christi. I'm speaking to

01:57 15 you today primarily as a coastal resident.

16 MS. LINNENBRINK: I'm sorry, sir. Do you

17 mind speaking up. I can't hear you very well. I'm not

18 sure if she can over here or not. Thank you. Sorry.

19 MR. MONTAGNA: Conservation -- you can't

01:57 20 talk about conservation without talking about real

21 estate per se. It reminds me of the three most

22 important things about real estate; and that's location,

23 location, location. The analogy to conservation,

24 particularly coastal conservation, would be wetlands,

01:58 25 wetlands, wetlands. And I've been very concerned over

1 the last 20 years primarily as a professor trying to
2 explain to students what a wetland is. Certainly from a
3 scientific viewpoint we have no problem defining these
4 things, but as you all well know, the legal definition
01:58 5 of a wetland has changed dramatically many, many times
6 over the years. I think one thing that can help the
7 public, help private landowners, help promote
8 conservation is to start having a more consistent
9 definition and not changing it every time we have a
01:58 10 change in administration.

11 I understand that there are many, many
12 important programs in the federal government that help
13 provide services that protect the environment. I think
14 one of the most important new programs is the Coastal
01:58 15 Land Conservation Program. This is a program managed by
16 NOAA. It has been very effective and provided funds.
17 So far it's been primarily from congressionally
18 directed, but this year there was also a competition for
19 funding. Although this is a cost-sharing program, I
01:59 20 have to tell you that one of the -- and I understand the
21 need for cost-share, making sure that there's some local
22 buy-in. The current rate of 50/50 is a little steep,
23 and it's certainly inhibited the ability to bring new
24 land in the conservation using these federal programs.

01:59 25 I would hope that the federal government

1 would -- and this administration would support future
2 funding of this important program. The MANERR program
3 was another good example of where you have the
4 availability of federal funding to provide to create
01:59 5 these cooperative conservation efforts. But, again, I
6 have found that the matching rate of 50/50 is steep.
7 And what happens is you quickly run out of funds in your
8 first project or two. And even though many good
9 projects come up, you simply can't make them work. So I
02:00 10 would advocate more of a 70/30 or lower match rate. At
11 the end of the day, it's not help if the program is
12 simply not available to people.

13 I think one of the most important things
14 in trying to bring better science into conservation is
02:00 15 simply the translation of science. There is certainly a
16 lot of information out there. There are millions of
17 teachers, professors and others who understand what's
18 going on. The trouble is it's sometimes too technical
19 and inaccessible to the wide public.

02:00 20 Again, there are a lot of good programs.
21 One of the best programs I'm aware of are the things
22 like the estuary program, which we have one here in
23 Corpus Christi. Now that there's a MANERR program, they
24 have programs called coastal training, but these
02:01 25 programs only seem to start from funds and their ability

1 to actually do anything is limited by the amount of
2 money available. So anything that can be done to
3 improve education would be huge.

4 I want to mention one last thing; and that
02:01 5 is I think one of the biggest problems we have today in
6 terms of the future is the fact that current generations
7 don't go outside. I know my kids growing up spent most
8 of their time in front of a computer or a TV. And I
9 think everyone in this room who has got either no hair
02:01 10 like me or gray hair probably spent most of their time
11 outside playing ball, running around, enjoying their
12 environment. I think we've got to figure out better
13 ways and we've got to increase our programs that put
14 kids in the environment. Field trips to the coastal
02:01 15 facilities and parks might be important. Thank you.

16 MS. LINNENBRINK: Thank you, sir. Card
17 No. 19. Do we have card No. 20 through 25? Card No. 20
18 through 25. What number are you? Go ahead, sir. Thank
19 you.

02:02 20 MR. SCHROEDER: Hi, my name is Shayne
21 Schroeder, S-H-A-Y-N-E, S-C-H-R-O-E-D-E-R. I'd like to
22 thank you very much for allowing us the opportunity to
23 visit with you folks today. I'm a home builder here in
24 the Corpus Christi area. I'm here today because many of
02:02 25 today's laws are outdated. I'm speaking specifically

1 towards wetlands. Because many of today's laws are
2 outdated and do not protect the environment, and most of
3 the efficient or effective way, I'm hopeful that this
4 push for cooperative conservation will encourage
02:02 5 collaborative solutions, facilitate compliance and
6 protect property rights while improving the
7 environmental results that everyone wants to be able to
8 enjoy.

9 I'd like to touch on collaborative
02:03 10 opportunities presented by the Clean Water Act, Section
11 404 wetlands program. The wetlands permitting process
12 is a lengthy and difficult and continues to be filled
13 with confusion and uncertainty. First to elicit better
14 cooperation, administrative guidelines must be issued to
02:03 15 clarify which water and wetlands are subject to federal
16 jurisdiction. The determination of which waters are
17 subject to federal authority currently depends on where
18 in the country the property lies. That makes little
19 sense considering that this is a national program. Both
02:03 20 the nation's landowners and the regulators themselves
21 need to be clear in their direction as to which waters
22 and wetlands are in and out of the program.

23 Administrative guidance developed jointly
24 with stakeholders will reduce the inconsistency and
02:04 25 confusion currently experienced and help to foster

1 collaborative efforts for private landowners, and the
2 agencies can work together for wetlands protection.
3 Second, the wetlands permitting process must be
4 streamlined and incentives provided for those who take
02:04 5 steps to protect the wetlands.

6 The current regulatory program is
7 cumbersome and lengthy, even for projects that have very
8 minimal impacts on the environment. By refocusing the
9 efforts on projects that are likely to have the greatest
02:04 10 impacts, the agencies can free up time to develop
11 incentives or other mechanisms to improve wetlands
12 protection. And finally, the various levels of
13 government must work in concert with private landowners
14 to create, enhance and to protect wetlands where
02:04 15 appropriate.

16 In Ohio, some home builders have been
17 working with the state for over ten years to create and
18 implement wetlands for the enjoyment of all. Similar
19 programs could be established across the nation to help
02:05 20 restore and protect these valuable resources. Once
21 again, I thank you for your opportunity to comment. By
22 incorporating these suggestions in your final actions,
23 I'm certain that the administration will improve
24 stewardship and enhance wetland protection across the
02:05 25 nation. Thank you very much.

1 MS. LINNENBRINK: Thank you, sir. Card
2 No. 24.

3 MR. NORMAN: Good afternoon, my name is
4 Scott Norman, S-C-O-T-T, N-O-R-M-A-N. I'm the vice
02:05 5 president of government affairs, regional council of the
6 Texas Association of Builders. We are the statewide
7 home builder association with 31 local associations
8 around the state. You've heard from three or four of
9 them here today. And we'd like to echo some of the
02:05 10 comments that you've received.

11 I'd like to start off by saying thank you
12 to the departments and agencies represented here today.
13 We appreciate the opportunity to comment and represent
14 the viewpoints of our various builders, developers,
02:05 15 remodelers around the state. The primary thing that has
16 been coming to our attention and the interest to all of
17 you would be the interaction that our builder and
18 developer members have with the Environmental Protection
19 Agency. You've heard a number of comments on the storm
02:06 20 water enforcement program, and that is an issue that is
21 recurring and that we receive the most requests for
22 assistance from our local association from building
23 members around the state.

24 The recurring theme seems to be the
02:06 25 inconsistency of the importunate process as it relates

1 to home building development activities, the varying
2 degrees of targeting home builder projects to varying
3 degrees around the state. I believe earlier a witness
4 commented on the percentage of fines that we've seen
02:06 5 levied against Region 6, people in the development
6 community versus the percentage, 14 percent, I believe,
7 of permits being pulled.

8 What we have seen is that since the
9 delegation of the program to the state level, there has
02:06 10 developed a very positive working relationship with the
11 Commission on Environmental Qualities, something we're
12 very proud of, yet the Environmental Protection Agency
13 has maintained its aggressive enforcement style, but
14 instead of focusing on those things that might truly
02:07 15 harm the environment, they have tended to focus more on
16 paperwork violations that have no resulting impact on
17 the environment in anyway or in water quality in any
18 way. And so we would like to see if the -- if the
19 program is truly delegated and let TCEQ continue to
02:07 20 administrate and focus on those areas where there is
21 potential harm to the environment.

22 A couple of things I'd like to say and
23 comment on is we would also like to encourage the EPA to
24 follow the model of some of its sister agencies such as
02:07 25 the Department of Energy and OSHA in implementing an

1 educational outreach program. We have been very
2 successful, as I stated, with the commission on
3 providing quality and implementing a storm water
4 training program. We as a state association have
02:07 5 developed educational videos in both English and Spanish
6 that we made available to our over 11,000 members across
7 the state, and those have been very successful.

8 As an example, shortly after delegation,
9 TCEQ was approached by our industry with their concern
02:08 10 about the number of permits -- storm water permits that
11 were being pulled. I believe the number was something
12 like 3,500. We developed an educational outreach
13 program to our membership. And within -- and so then
14 TCEQ estimated that subsequent to that, in their
02:08 15 outreach program, they may have 10,000 permits being
16 pulled. Within a couple of years, there were over
17 25,000 permits being pulled in all. In the development
18 community, that's something we're proud of.

19 And I think that shows the positive
02:08 20 efforts that can result when there is cooperation
21 between state, local or federal agency and the regulated
22 entity. So we would urge this model be adopted by the
23 Environmental Protection Agency. Again, thank you for
24 receiving my comments.

02:08 25 MS. LINNENBRINK: Thank you, sir. Card

1 No. 25 through 30. Card No. 25 through 30. Are you 25,
2 ma'am?

3 MS. ASMUS: Yes.

4 MS. LINNENBRINK: Okay. Go ahead.

02:09 5 MS. ASMUS: My name is Susan Asmus.

6 That's A-S-M-U-S. I'm a staff vice president with the
7 National Association of Home Builders out of Washington,
8 D.C. The home building industry is one of the most
9 heavily regulated industries in the nation. One of the
02:09 10 most difficult aspects of being a home builder is
11 figuring out who all the players are and all of the
12 approvals that are needed to move forward with our work
13 from the various levels of government.

14 Currently, for example, many builders have
02:09 15 to pull two or even three permits to discharge storm
16 water from their construction sites. This is simply to
17 allow rainwater to leave the site. This results in
18 time, energy and money ranging anywhere from \$1,400 to
19 \$4,500 per lot being spent on duplication and
02:09 20 uncertainty rather than environmental protection. In
21 extreme cases, the requirements don't even match,
22 leaving builders in a catch-22 situation where they
23 cannot please everyone.

24 For example, in Missouri, a construction
02:10 25 site was inspected by the Missouri Department of Natural

1 Resources and found to be in full compliance. Two days
2 later, EPA inspectors came and visited the site and
3 issued a citation. The breakdown in miscommunication
4 and sometimes adversarial relationship between the
02:10 5 federal, state and local governments must be fixed if we
6 are to see real results from cooperative conservation.
7 Similarly, the disconnect within the agencies themselves
8 must be addressed.

9 All environmental programs, laws and
02:10 10 regulations should invite and facilitate compliance.
11 Instead, many times they are plagued with punitive
12 punishments that only discourage and dissuade. For
13 example, under the storm water program, a builder in New
14 Mexico was cited for not completing his weekly
02:11 15 inspections even though he had only gotten the permit
16 six days earlier. Similarly, a builder in Texas was
17 fined for failing to post the notice of intent on site
18 and for failing to physically write two dates on the
19 storm water pollution prevention plan and was fined.

02:11 20 Punitive findings neither lead to
21 effective cooperation or conservation. If someone is 80
22 percent there, he or she should not be discouraged by
23 misled findings. Instead, the agency's enforcement
24 practices should be reworked and positive actions should
02:11 25 be reinforced and facilitated through meaningful

1 compliance assistance. As one of the earlier speakers
2 mentioned, we look to OSHA as a good example of how that
3 might be achieved. OSHA, the agency that's responsible
4 for human health and safety, has much more flexibility
02:12 5 in its enforcement mechanisms and allowances than EPA
6 does. EPA looks and says, oops, wrong person signed
7 this, automatic fine. OSHA might look at it and say,
8 oops, wrong person signed this, let's have the right
9 person sign it and move forward. We think that's a
02:12 10 great approach to take and hope that you folks will take
11 that message home.

12 I appreciate your earlier comments about
13 efficiency, retaining no surprises, balancing the need
14 between conservation and economic considerations and
02:12 15 doing more with less in times of shrinking resources.
16 We are fully committed to working with the agency to
17 improve the environmental laws and regulations that are
18 out there and work cooperatively with you to improve the
19 environmental resources of the nation. Thank you.

02:12 20 MS. LINNENBRINK: Thank you, ma'am. Card
21 No. 26. Do we have card numbers 27 through 30? Anybody
22 with 27 through 30?

23 MR. PEDROTTI: No. 28.

24 MS. LINNENBRINK: Is there anybody under
02:13 25 28? Okay. Go ahead, sir.

1 MR. PEDROTTI: Dan Pedrotti. That's
2 D-A-N, P as in Paul, E-D-R-O-T-T-I. I would like to
3 echo the comments made by Kirby Brown. I'm also one of
4 his directors on the Texas Wildlife Association. But as
02:13 5 past president of the Pelican Carpet Club, I would like
6 to make a few comments. The club was formed by the
7 oldest conservation organization formed by Teddy
8 Roosevelt in 1887. And during my term as president, we
9 called together a meeting of 35 of the leading wildlife
02:13 10 conservation organizations, sat them down at the table.
11 And out of this meeting was created the Texas -- pardon
12 me, the American Wildlife Conservation Partners, excuse
13 me, representing over 5 million hunters, fishermen,
14 conservationists throughout the nation.

02:14 15 This group got together and put together
16 an initiative for the incoming administration in the
17 year 2001. And of these 12 issues, several have been
18 acted on, but three of them are still very important to
19 the conservation community. And one of those, of
02:14 20 course, is the inheritance tax, which has resulted in
21 huge fragmentation problems of our ranches and farms in
22 the west particularly. Healthy forest initiative. And
23 the one that I'm most concerned about deals with
24 conflicting regulations of the various wonderful acts
02:14 25 that we have had in the past like the EPA, the Clean

1 Water Act, the Clean Air Act and so forth.
2 Many of our land managers' hands are
3 strapped because of conflicting rules promulgated by
4 these different organizations. And consequently, they
02:15 5 can't do what's right for water because they violate the
6 Clean Air Act. They can't do what's right or something
7 else because it would violate the EPA and etcetera. And
8 so we ask that something be done to try to streamline
9 these regulations. And I appreciate your ability to
02:15 10 take the statements. Thank you.

11 MS. LINNENBRINK: Thank you, sir. Card
12 No. 29.

13 MR. TUNNELL: Yes, my name is Wes Tunnell,
14 T-U-N-N-E-L-L. I'm the director of the Center For
02:15 15 Coastal Studies and associate director of The Heart
16 Research Institute for Gulf of Mexico studies at Texas
17 A&M University - Corpus Christi.

18 I actually didn't come with the intention
19 of speaking, but I haven't heard anything about the
02:16 20 oceans, and so I'm going to speak in regard to
21 conservation of the oceans. Like Dr. Fuiman's
22 institute, ours is one that studies the oceans and the
23 coast and training young people for the future of
24 conserving through learning science. The oceans have
02:16 25 been ignored very much in the past by the United States.

1 We have recently had a commission appointed by the
2 President, the U.S. Ocean Commission, that came forth
3 with 212 recommendations. The President responded to
4 that shortly after that in late 2004. The PUO Oceans
02:16 5 Commission was a private commission that did the same.
6 All of them pointing to downturns and issues with the
7 ocean that we need to address. Not just the oceans, I
8 should be saying the coast, oceans and great lakes, all
9 three together. They need our focus and attention.

02:16 10 Here closer to home, the Gulf of Mexico
11 has often been referred to as the third coast, looking
12 at the Atlantic and Pacific first. To step down from
13 that, the Great Lakes and the Chesapeake Bay have
14 received much more attention and funding and focus than
02:17 15 the Gulf of Mexico has, and yet the Gulf of Mexico
16 generates more, second only to the income tax via oil
17 and gas royalties and mineral leases via the MMS for the
18 Gulf of Mexico for the United States. So I would push
19 that we need to turn off of the focus of the U.S.

02:17 20 government. We don't even have NOAA in an act, for
21 instance, and that needs to take place so that it is
22 permanent in the budget each year. So I push for that
23 cooperation and conservation of the oceans. Thank you.

24 MS. LINNENBRINK: Thank you, sir. Card
02:17 25 No. 30. Do we have card numbers 30 through 35? 30

1 through 35. What number are you, sir?

2 MR. GARCIA: I'm 33. Thank you. Good
3 afternoon. I'm Jerry Garcia. And I'm here wearing two
4 hats today. My last name is G-A-R-C-I-A. And I am from
02:18 5 Corpus Christi and I am the city councilman at large
6 here, and I'd like to welcome your group to be here
7 today. And thank you for taking a concentrated effort
8 and interest in acknowledging what we all hold near and
9 dear to us.

02:18 10 My other hat is a home builder and real
11 estate developer here in Corpus Christi, Texas. I'm
12 representing the Corpus Christi Area Builders
13 Association. And in conjunction with the Texas
14 Association of Builders and our different
02:18 15 representatives from the National Association of Home
16 Builders, we are keenly aware of your importance.
17 Please be advised that as a home builder and a
18 developer, and as a councilman, we are -- we are keenly
19 aware of the sensitivity issues that arise with our bays
02:18 20 and estuaries, our oceans. As a real estate developer,
21 I am intimately involved with TCEQ, their regs, and
22 trying to work in conjunction with them.

23 Again, I want to thank you for being here
24 because you-all are instrumental in success. So if ever
02:19 25 I am fortunate to have a grandchild, I want my

1 grandchildren to enjoy the fruits that we today enjoy
2 with our bays, estuaries and oceans. So please be aware
3 that we welcome you and we ask you to take our
4 suggestions and try to work in conjunction with all the
02:19 5 different groups. It's not an easy task. But that
6 being said, in closing, again, thank you and thank you
7 again for letting me speak here today. I appreciate it.

8 MS. LINNENBRINK: Thank you, sir. Card
9 No. 35.

02:19 10 MS. MIMS: Good afternoon. My name is
11 Shirley Mims, S-H-I-R-L-E-Y, M-I-M-S. And I'm a home
12 builder here in Corpus Christi, and I also serve as an
13 area vice president for the Texas Association of
14 Builders. I would like to speak to you this afternoon
02:20 15 on some good environmental laws and market-based
16 solutions and to see how we can work together with this
17 cooperative conservation.

18 Unfortunately, today's laws are outdated
19 and do not protect our environment in the most efficient
02:20 20 and effective way. As a landowner, I can appreciate
21 these things that I'm saying. I would like to offer
22 suggestions on how we can improve the Endangered Species
23 Act. The time has come to update and improve the ESA.
24 And, in fact, improvements to the Act are long past due.
02:20 25 Because 90 percent of all listed species are located on

1 private lands, there must be a renewed effort to find
2 cooperative, incentive-based solutions if real progress
3 is to be made.

4 There are a number of steps that we can
02:20 5 take together. First is improving the data and science
6 upon which decisions are made. At a minimum, all ESA
7 decisions need to comply with the Information Quality
8 Act, and all data must be made available to the public.

9 Second, it's improving the implementation
02:21 10 of the Section 7 consultation requirements. Suggested
11 improvements include defining the key regulatory term
12 such as adverse modification and jeopardy and ensuring
13 that applicants and other stakeholders affected by
14 Section 7, consultations are allowed to fully
02:21 15 participate. Third is developing a critical habitat
16 guidance to ensure that an open and consistent
17 designation process is followed. The process must
18 account for the cumulative impacts, assess the
19 biological value of the habitat, and encourage landowner
02:21 20 participation by exempting all private property enrolled
21 in an existing or pending habitat conservation plan from
22 critical habitat designation.

23 Finally, it's facilitating and increasing
24 opportunities for voluntary conservation efforts through
02:22 25 providing incentives, reducing barriers, developing

1 programatic permits and streamlining the development and
2 improve -- and approval process for the habitat
3 conservation plans.

4 I thank you for the opportunity to comment
02:22 5 on the various ways that we can work together through
6 this cooperation conservation. I am hopeful that we can
7 move quickly to solve some of these problems. Thank
8 you.

9 MS. LINNENBRINK: Thank you, ma'am. Card
02:22 10 No. 36. Do we have card No. 36 through 40? Anybody
11 with card numbers 36 through 40?

12 MR. DUNTON: 37.

13 MS. LINNENBRINK: Go ahead, sir.

14 MR. DUNTON: Good afternoon. I'm Ken
02:22 15 Dunton, D-U-N-T-O-N. I'm a professor at the University
16 of Texas Marine Science Institute in Port Aransas. And
17 I'm going to speak just for a moment. I'm going to pick
18 up where my colleague, Paul Montagna left off, and I
19 think where Wes Tunnel was heading as well. And, of
02:23 20 course, I was working on my lecture tomorrow for class,
21 so I kind of scribbled this down here. Just typical
22 last minute stuff that I do all the time.

23 But in any event, I want to comment on
24 basically a note on how the federal government can
02:23 25 enhance voluntary conservation programs and improve

1 science in environmental protection. And this relates
2 basically to the general problem of lack of public
3 education and awareness of our natural resources and
4 some huge environmental issues we face.

02:23 5 And one way that we should be thinking
6 about how to address this is providing through field
7 experiences in ecology, conservation, biology, what have
8 you, to local K through 12 students, through
9 partnerships with scientists, local naturalists and
02:24 10 resource agency personnel. These partnerships can
11 provide enormous potential to stimulate voluntary
12 conservation programs led by students in cooperation
13 with local school districts. Programs like this I often
14 refer to as classrooms without walls. They have been
02:24 15 shown to be very successful since they serve to both
16 excite and develop awareness in local communities.

17 Students' involvement with teachers
18 naturally begets parental involvement. And I know this
19 works because I have years of personal experience with
02:24 20 it that extends from here to the arctic. In fact, since
21 we have an MMS person here today, I dragged a teacher
22 with MMS support all the way to the arctic this summer,
23 and she spent three weeks with us in the Antarctic
24 learning basically how scientists do science. And yes,
02:24 25 she's going back to Chicago, but she's going back to

1 Chicago with -- she was an award-winning national
2 science teacher, by the way -- with the tools she needs
3 to take her students into the field and teach them how
4 to collect data, how to observe and develop hypotheses.
02:25 5 And these are the kinds of things that our young people
6 need to have. And like I said, it naturally extends to
7 the parents of the students; and therefore, to the
8 community.

9 I strongly believe that these programs
02:25 10 such as this can improve the conservation and protection
11 of our most fragile eco systems, especially, as I said,
12 through broad scale community awareness. Finally,
13 following programs like this serve to encourage our
14 younger generation to enter science. And we certainly
02:25 15 can't hurt by having more educated science, scientific
16 generation. Thank you very much for the opportunity to
17 comment.

18 MS. LINNENBRINK: Thank you, sir. Card
19 No. 38 through 40. Anyone with 38 through 40?

02:25 20 MR. LLOYD-REILLEY: 40.

21 MS. LINNENBRINK: Yes, sir. Anybody under
22 40 that hasn't had a chance to comment? Okay. Go
23 ahead, sir.

24 MR. LLOYD-REILLEY: My name is John
02:25 25 Lloyd-Reilley. The last name is Lloyd-Reilley,

1 L-L-O-Y-D hyphen R-E-I-L-L-E-Y. And I'm representing
2 the South Texas Natives. South Texas Natives'
3 cooperative project to provide planning, good times and
4 plenty of technology for the restoration of South Texas
02:26 5 habitat, private and public lands. Restoration for
6 mitigation, wildlife habitat, bio diversity or invasive
7 species control requires plans. And it has become clear
8 that using local plan equal types is one of the best
9 solutions for this restoration.

02:26 10 South Texas Natives is a diverse
11 organization led by Texas A&M University - Kingsville in
12 cooperation with the Texas Agricultural Experiment
13 Station in Beeville and the USDA NRCS Kika DeLaGarza
14 Plant Material Center and many South Texas private
02:26 15 landowners. This is a model of cooperative
16 conservation; and as such, I wanted to make this group
17 aware of it. And hopefully it will continue to be
18 recognized and supported. Thank you.

19 MS. LINNENBRINK: Thank you, sir. Anybody
02:27 20 with card numbers 40 through 45? Okay. What number are
21 you, ma'am?

22 SPEAKER: 45.

23 MS. LINNENBRINK: Ma'am?

24 SPEAKER: 46.

02:27 25 MS. LINNENBRINK: Anybody else with card

1 number 40 through 45? Thank you, ma'am. Go ahead.

2 MS. ARMSTRONG: Katharine Armstrong,
3 K-A-T-H-A-R-I-N-E, Armstrong like it sounds. Thank you
4 all so much for being here. It means a lot to have you
02:27 5 come down here and demonstrate to us the willingness to
6 listen. It demonstrates to me some validity to your
7 words of offering of cooperative conservation. I am a
8 past chairman of the Texas Parks & Wildlife Commission.
9 I was appointed to the Commission by then Governor Bush.
02:27 10 I'm a director of the Texas Wildlife Association, who
11 you've heard from today, the Texas And Southwestern
12 Cattle Raisers Association, the Heart Institute for Gulf
13 of Mexico Studies as well as vice chairman of the South
14 Texas Natives that you just heard about.

02:28 15 I saw firsthand the sea change that
16 occurred in post 2002 when then Secretary of the
17 Interior, Gayle Norton, articulated the President's
18 policy of cooperative conservation to get real
19 conservation results. Being a Texan, it's hard for me
02:28 20 to get myself out of the state -- the citizen of Texas
21 mode, but I think it's really important to look at Texas
22 and to realize that nowhere in the United States is
23 cooperative conservation more important than a state
24 where 95 percent of the lands held are in private hands.
02:28 25 Cooperation is essential if we're going to see real

1 conservation results on the ground.

2 Beginning in the early part of 2000, 2002,
3 we saw that change occur here. It was a difference in
4 attitude. And it was welcomed by the stewards of
02:29 5 this -- of our state, largely the private landowners. I
6 came to my job as commissioner with the belief that
7 given good information and incentives -- and it doesn't
8 take many incentives -- the private landowners of Texas,
9 and for that matter, any private landowner in the United
02:29 10 States, will do the right thing. I think of the
11 programs that have occurred since that period and how
12 successful they have been. Some have already been
13 mentioned; the Fort Hood project, some of the ones here
14 along the coastline that have been mentioned.

02:29 15 I urge you-all to continue to promote more
16 monies for conservation through the farm bill, more
17 money for technical assistance that Kirby Brown stated
18 is essential. And I also think it's high time that we
19 take a hard look at the Endangered Species Act. I have
02:30 20 seen firsthand the reverse incentives that occur on
21 private lands when private landowners are frightened by
22 the possibility that they have a perhaps justifiable,
23 but oftentimes not justifiable species on their
24 property. It is high time that the Endangered Species
02:30 25 Act is brought up-to-date. Thank you.

1 MS. LINNENBRINK: Thank you, ma'am. No.
2 46, please.

3 MS. HUFF: Thank you. And it's quite an
4 honor to follow that speaker. I appreciate that. My
02:30 5 name is Lois Huff, H-U-F-F, and I'm with the Coastal
6 Bend Bays Foundation here in Corpus Christi. I would
7 like to just briefly tell you a little bit about our
8 mission statement. We are dedicated to the conservation
9 of freshwater and coastal natural resources for current
02:31 10 and future generations through consensus, facilitation,
11 communication, advocacy, research and education. Our
12 organization has been around 15 years, and we hope to be
13 around for years to come working together for
14 cooperative conservation.

02:31 15 I'd like to mention, too, that one of the
16 things I've heard lately is that clean water needs clean
17 sources. And here in Corpus Christi we're dealing with
18 that. We would like to have the entire water shed
19 perspective one that is looked at by agency, by home
02:31 20 builders, as I've heard speak about here as we go
21 through the permitting process. I wanted to comment
22 that one of our -- one of our board members was unable
23 to make it today. And she said one of the most
24 important things that's going on is when the federal
02:31 25 government provides financial support to private

1 property owners to keep their property out of
2 production. And I will ask her to go ahead and submit
3 that as a written comment.

4 I looked at your questions and actually
02:32 5 took them as questions 1, 2, 3, 4 and 5 because you have
6 questions that you asked us to address. That was
7 question 1. Question 3 was about using science -- to
8 improve science used in our environmental protection and
9 conservation. And I'd like to say that the Coastal Bend
02:32 10 Bays Foundation has had several meetings on barrier
11 island developments, and we're free public forums. And
12 we are looking for quicker ways to change scientific
13 knowledge into local action.

14 One of the things that I found out at
02:32 15 those forums is that developers want to come in, they
16 want to make their money, and they want to leave. And
17 they look for us and they said, what do we want to have?
18 So we need to tell them what we want to have. And
19 that's not us, that's the public that needs to tell them
02:32 20 this is what I want to buy. So maybe our better or more
21 important goal is educating the public and general
22 public, the people that are not here today are maybe as
23 important as the people that are here today.

24 And actually wearing that hat -- I also
02:33 25 have another hat here with the League of Women Voters.

1 And I would say, again, we want to work in informing the
2 public because all the builders that are here build
3 houses in order to make a profit. We look at them to
4 build things that are good for us. They're looking at
02:33 5 the permitting process to make it all work. But we need
6 to get the public involved so they know what exactly
7 they need to ask for. And that's, I think, is what
8 they're looking to us. They're looking at their leaders
9 to help bring the scientific knowledge to where they can
02:33 10 understand it. So that's your job. Thank you.

11 MS. LINNENBRINK: Thank you, ma'am. Card
12 No. 47 through 50. Yes, ma'am.

13 MS. CHAPMAN: Good afternoon. Thanks for
14 the opportunity to comment. I am Karen Chapman. I'm
02:33 15 with the Environmental Defense. I work out of the lower
16 Rio Grande Valley office in Brownsville. My job as a
17 water and wildlife analyst, I'm actually in the Valley
18 working on a program to incentivize conservation with
19 private landowners, so I speak from some experience.

02:34 20 In the past two years, I've planted about
21 100,000 seedlings of the native habitat type, Tamaulipan
22 thornscrub on 500 acres of private land in three
23 counties of the Rio Grande Valley. Our objective with
24 this program is to increase the amount of habitat
02:34 25 available for native, migratory and threatened,

1 endangered species, primarily the endangered ocelot,
2 which is a small spotted cat native to this region.
3 This -- the work has actually been funded in large part
4 by U.S. government, grants through the private
02:35 5 stewardship grant program, Section 6 grants pass through
6 the Texas Parks & Wildlife Department, and also
7 primarily by private and mostly Texas-based foundations.

8 I actually worked a lot with Farm Services
9 Agency and Natural Resources Conservation Service to
02:35 10 also include a practice in the CRP to plant Tamaulipan
11 thornscrub seedlings. And I just want to acknowledge
12 that these guys have been really helpful. I know it's a
13 little bit of a philosophical leap for them, but the CRP
14 here locally have actually agreed to do this, and so
02:35 15 we're moving forward with that program. It's been
16 successful.

17 In doing this work, I run across a few
18 things that I just want to comment on that could be
19 improved on. First of all, the match requirements you
02:35 20 heard about from another speaker. Particularly in the
21 landowner incentive program are somewhat prohibitive for
22 putting in the habitat type that we're restoring. The
23 seedlings are expensive. And once you get done spending
24 money on the seedlings, the landowner is trying putting
02:36 25 his in-kind -- his match -- excuse me, in large part

1 in-kind. When he does that, then he's still hasn't met
2 the 50/50 requirement for the project. And some of
3 these landowners are not able to do a large portion of
4 cash match, so it gets them out of -- it just eliminates
02:36 5 that possibility for them.

6 I'd also like to say that despite the fact
7 that the landowner incentive program is underfunded, I
8 think it's probably underutilized for these reasons:
9 For the match requirement and also because some of the
02:36 10 bureaucratic procedures are really prohibitive. It's
11 pretty hard to wade through that stuff. And I don't
12 know too many landowners that actually have the time to
13 do that without some assistance from another
14 organization like ours.

02:36 15 Related to that, I just want to point out
16 that there should be, I think, more and sufficient
17 funding available for not only the programs themselves,
18 but management. Once the practice is implemented or
19 once the conservation project is implemented, a lot of
02:37 20 times you run out of money, and management, there is no
21 funding for management. Management is a very important
22 component to some of these projects, particularly when
23 you're doing endangered species conservation. If you
24 want to incentivize it, it's unrealistic to expect that
02:37 25 landowners are going to agree to manage the restored

1 habitat without some financial support. So that's the
2 third recommendation, provide more funding for ongoing
3 maintenance and management.

4 And finally, I think that in particular,
02:37 5 your agencies, USDA and Fish & Wildlife Service need to
6 coordinate their efforts better. I think the farm bill
7 conservation programs have been an excellent way to
8 incentivize conservation. There could be additional
9 collaboration between Fish & Wildlife Service and USDA
02:38 10 in order to collaborate on what is the most effective
11 way of putting these projects on the ground. For
12 example, some implementation on discreet tasks could be
13 done by the most appropriate agency with support --
14 you're going to cut me off. Okay. Thank you very much.

02:38 15 MS. LINNENBRINK: Sorry. Thank you very
16 much. Is there a card No. 47 through 50? I think
17 that's all the card numbers we have. I think we got up
18 to 50. Is there anybody that has a card number over 50?
19 Is there anybody in the audience that did not receive a
02:38 20 card that would like to provide comment?

21 All right. Well, thank everybody for
22 joining us today. I appreciate your time. I would like
23 to give the podium back to Deputy Secretary Sampson to
24 provide some closing remarks. And after he provides
02:38 25 closing remarks, I will see if the other panel members

1 would like to give some closing remarks as well. So
2 thank you very much. And Deputy Secretary Sampson.

3 DR. SAMPSON: Well, this is a very
4 exciting time in history of environmental stewardship, I
02:39 5 think. And I think that's reflected by all of those who
6 are here in this room today. A number of these sessions
7 that are being held around the country, and an approach
8 to environmental stewardship that I believe holds great
9 promise. Earlier this summer, President Bush, by
02:39 10 executive order, affected the largest single act of
11 conservation in our nation's history, which was the
12 creation of the Northwest Hawaiian Islands Marine
13 National Monument, which was the culmination of a number
14 of years of collaboration among agencies, states, the
02:40 15 State of Hawaii, a number of agencies within that state,
16 Hawaii and native peoples.

17 And I think that demonstrates what can
18 happen whenever we really try to work together to bring
19 all the interested stakeholders together, including
02:40 20 those who were commercial fishermen in that area to an
21 outcome that was universally claimed as a major step
22 forward.

23 And I think what I heard from all of the
24 comments here today, there is -- there's really a
02:40 25 growing consensus on the gulf, which is to protect our

1 environmental heritage for generations yet to come and
2 it's possible to do that in a way that really brings
3 communities and people together instead of having this
4 become just another wedge issue. I think as long as
02:41 5 this is portrayed as a wedge issue, that the ultimate
6 losers are going to be our natural resources. What
7 we -- what I heard anyway was a plea for a clarity and
8 consistency among acts, among regulations among the
9 various agencies, a degree of predictability so that
02:41 10 people can begin down a road and know that they are
11 going to accomplish the goals and meet the expectations.
12 What I heard was that incentives are a powerful tool in
13 promoting environmental conservation.

14 Now, there's not -- I can guarantee you
02:41 15 that there is not a week that goes by when I am not in
16 close interaction with The White House and the Council
17 on Environmental Quality at The White House on these
18 issues. And I think one of the things that we clearly
19 recognize is that the federal government and the various
02:42 20 agencies within the federal government need to do a
21 better job of collaborating among ourselves, commerce,
22 ag, interior, because we all have different
23 responsibilities under different acts. And in some
24 cases, we have joint responsibilities under the same
02:42 25 act. And I think that for far too long there's been

1 kind of -- there have been turf battles among federal
2 agencies. And the clear message that we've gotten from
3 The White House is, look, you-all cooperate in the
4 federal family, first of all, so that we can help
02:42 5 clarify expectations for state and local governments and
6 partners at that level.

7 And increasingly what is happening, I know
8 when there are issues that are not resolved at the lower
9 levels of the bureaucracy, that those of us who are
02:43 10 deputy -- service deputies within the agencies call one
11 another and convene at meetings at the highest level of
12 the department with our folks and say, look, what are
13 the issues that are holding us apart and what can we do
14 to bring reconciliation to this so that we can clarify
02:43 15 expectations for stakeholders who are out there.

16 There are some very valuable resources.
17 And certainly within the commerce department, NOAA is a
18 valuable resource. The President has submitted NOAA
19 Organic Reauthorization Act that has passed out of the
02:43 20 Senate, relevant Senate committee. We are committed to
21 rigorous action on the ocean action plan. And I just
22 want to encourage you to stay involved in this process.
23 Work together among the groups at the state and local
24 level. The degree to which you can increasingly come to
02:44 25 us with unified agendas that reflect private landowners,

1 non-government organizations and state and local
2 governments, I think with a very clear agenda for us,
3 will be very, very helpful.

4 And I appreciate your efforts. And I
02:44 5 appreciate you being here today. And I know that I have
6 greatly benefited from listening to your comments. And
7 I assure you that they will be taken very seriously in
8 Washington as we work through a number of these issues.
9 Thank you very much.

02:44 10 MS. LINNENBRINK: Thank you, Dr. Sampson.
11 We appreciate you being here today. Dr. Nicolopolus,
12 would you like to give some closing remarks?

13 DR. NICOLOPOLUS: My closing remarks are
14 going to be very short. I just want to thank everyone
02:45 15 for coming out today, especially those of you who spoke.
16 Your comments are very, very important, and I very much
17 appreciated hearing them today. So thank you all for
18 coming out today. I know your time is valuable. And it
19 was very important for you to be here. Thank you.

02:45 20 MS. LINNENBRINK: Thank you.
21 Dr. Epperson, would you like to give some closing
22 remarks?

23 DR. EPPERSON: I would just like to echo
24 the comments made by everybody.

02:45 25 MS. LINNENBRINK: Dr. Fuiman?

1 DR. FUIMAN: I want to thank all of those
2 who voiced their opinions here today. I have a full
3 page of notes that hopefully I can make some use of.
4 I'm sure I can. What's most important to me is for you
02:45 5 to recognize that you-all being here today are setting
6 yourselves apart from the rest of the 300,000 people in
7 this area. You have taken the time out of your day to
8 come and talk about your opinions on topics of
9 importance to all of us.

02:46 10 Now, many of you, of course, may be
11 carrying the words and thoughts of other people, and
12 that's very good. But these public sessions, this
13 listening session and other public hearings are very,
14 very important ways for the public to express their
02:46 15 thoughts and opinions and convey them to policymakers.
16 And so I'd like you to try to keep that in mind. And if
17 you see opportunities like this in the future to express
18 your ideas and opinions, encourage your friends who have
19 opinions to convey to come to these meetings because
02:46 20 it's only through having these public interactions that
21 scientists and policymakers can take into consideration
22 your ideas. I think it's very important that you came
23 here today. And I'd like to encourage you to get your
24 friends and colleagues to come to future meetings so
02:47 25 that we can help resolve some of these issues. Thank

1 you.

2 MS. LINNENBRINK: Thank you. I just
3 noticed that two individuals just joined us. We are
4 about ready to close-up. Would either one of you like
02:47 5 to make some comments? Would you like to make some
6 comments?

7 SPEAKER: No, thank you.

8 MS. LINNENBRINK: Okay. Thank you for
9 joining us. Sorry you missed the session. We will
02:47 10 close the session now. Thank you for taking the time to
11 be here today. Thank the panel members. And I hope
12 everyone has a great afternoon. Again, the panel
13 members will be here for an additional 20 to 30 minutes,
14 so if you have some questions, please feel free to come
02:47 15 up here and talk to them. Thank you very much.

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1 THE STATE OF TEXAS:

2 COUNTY OF NUECES:

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5 I, SYLVIA KERR, Certified Court Reporter in and for
6 the State of Texas, do hereby certify that the above
7 foregoing contains a true and correct transcription, to
8 the best of my ability, of all portions of the
9 proceedings requested to be included in this volume of
10 the Reporter's Record in the above-styled and numbered
11 cause, all of which occurred in a public meeting and
12 were reported by me.

13

14 Subscribed and sworn to on this the 12th day of
15 September, 2006.

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SYLVIA KERR, Texas CSR #4776
Date of Expiration: 12/31/06

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